

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT**

I, John Hunt, being duly sworn, depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. Your affiant is a Special Agent for the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and has served in that capacity since August 30, 2020. Your affiant is currently assigned to the Norfolk Field Office and charged with investigating violations of federal firearms, explosives, and arson laws. Your affiant is a graduate of both the Criminal Investigator Training Program and the ATF National Academy. At the ATF National Academy, your affiant received special training in firearms, arson, explosives, and narcotic related crimes.

- i. Your Affiant began his law enforcement career with the Newport News Police Department (Virginia) in January 2011. Your Affiant graduated from the basic law enforcement academy in June 2011. During that training your Affiant received basic law enforcement training to include training in illegal drug identification and enforcement of drug laws. During your Affiant's employment with the Newport News Police Department, your Affiant received continued training on illegal drugs to include; the way they are packaged, transported, sold, and used.
- ii. During your Affiant's career with the Newport News Police Department, your Affiant has worked as a Patrol Officer on evening and midnight shifts, and Community Response Team (CRT) Officer. While assigned to these positions, your Affiant conducted drug enforcement and investigations throughout the City of Newport News. Your Affiant was assigned as a Detective to the Organized Crime Division, Narcotics Enforcement Unit from May 2016 to October 2017. From October 2017 to May 2019, your Affiant was assigned as a Detective to the Organized Crime Division, Mid Level Unit. During time in the Organized Crime

Division, your Affiant was afforded the opportunity to investigate the distribution of illegal drugs in conjunction with the Hampton Police Department, the Drug Enforcement Administration (DEA), Virginia State Police, Homeland Security Investigations (HSI), and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). From March 2020 until August 2020, your affiant was assigned to the High Intensity Drug Trafficking Area (HIDTA) Task Force as a Task Force Officer. This task force was composed of Homeland Security Investigations, Virginia State Police, and local municipal police departments.

- iii. Your Affiant has interviewed numerous sources of criminal information, and arrested subjects who have provided current information on the way drugs are used, packaged, sold and/or distributed in the City of Newport News, VA and elsewhere. These individuals included self admitted distributors of illegal drugs, as well as individuals caught in the act of distribution. Your Affiant has organized and assisted with numerous operations which resulted in arrests for violent crime, sex offenses, weapons violations, and violations of the Virginia Drug Control Act.

3. Your affiant is only submitting those facts which he believes are necessary to establish probable cause in this matter. This affidavit should not be construed as a complete statement of all the information generated from the investigation. I have become aware of the facts and circumstances described below through my personal observation, reports, and information provided by law enforcement officer(s).

**STATUTORY AUTHORITY**

4. Section 922(g)(1) of Title 18 of the United States Code provides, in part, that, “It shall be unlawful for any person . . . who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year . . . to . . . possess in or affecting commerce, any firearm or ammunition.”

5. Section 922(o)(1) of Title 18 of the United States Code provides, in part, that, it shall be unlawful for any person to transfer or possess a machinegun.

6. Section 921(a)(24) of Title 18 of the United States Code provides that a “machinegun” has the meaning given such term in section 5845(b) of the National Firearms Act.

7. Section 5845(b) of the National Firearms Act (26 U.S.C. § 5845(b)) provides that the term “machinegun” means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

8. Section 545 of Title 18 of the United States Code provides, in part, that, whoever fraudulently or knowingly imports or brings into the United States, any merchandise contrary to law, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported or brought into the United States contrary to law.

**FACTS SUPPORTING PROBABLE CAUSE**

9. In January 2023, John DANE became the target of an investigation related to the illegal buy and selling of machine guns (Glock switches).

10. A Glock switch is a device that attaches to a Glock firearm, which converts the semi-automatic Glock handgun into an automatic handgun. A Glock switch qualifies as a “machinegun” pursuant to Section 5845(b) of Title 26 of the United States Code because the device causes the firearm to expel more than one projectile with the single pull of the trigger. Furthermore, a Glock switch qualifies as both a firearm and a machine gun, even without it being affixed to a Glock model handgun.

11. Your affiant knows Glock switches to be commonly used in violent crimes throughout the Hampton Roads region. Their use has recently increased, indicating the prolific illegal importation and manufacturing.

12. On December 15, 2022, while undercover, an ATF Agent and a Virginia Beach Police Department (VBPD) Detective met with a co-conspirator (CC) at a bar called “Mel’s Place” located in the City of Virginia Beach. During this meeting, the undercovers purchased two Glock switches from the CC for \$1,000 in ATF funds.

13. On January 4, 2023, ATF and VBPD executed a search warrant on CC’s residence. CC was advised of his *Miranda* rights and chose to speak with your affiant regarding the illegal sale of machine guns.

14. CC told agents that the two Glock switches he sold to the undercover agents were provided to CC by John DANE (DANE). CC said that DANE received \$600 for the two Glock switches.

15. CC stated that DANE has a detached structure in his backyard where he keeps a variety of firearms. Agents reviewed text messages on CC’s phone between CC and DANE. In the messages



DANE is sending photos of firearms to CC. Some photos depict a wall with multiple firearms mounted on it. Another photo showed multiple homemade firearms on a table. These firearms are referred to as “Ghost Gun,” meaning they had no serial number. CC said the photos are from the inside of the detached structure at Dane’s residence. CC described this structure as detached shed.

16. In 2011, DANE was convicted of felony distribution of marijuana, a crime punishable by imprisonment for a term exceeding one year. In 2013, DANE was convicted of his second felony for probation violation.

17. On January 4, 2023, your affiant was made aware of a co-existing investigation into DANE by Homeland Security Investigations (HSI). That same day, Customs and Border Patrol intercepted a package entering the country addressed to “John DANE at 1148 Taylor Road Virginia Beach, Virginia 23464.” Inside the package, was a suspected silencer.



18. The Customs service shipment ID and Bill of Lading confirm this package was shipped from China and the manifest indicated that it was an “adapter.” Glock switches and silencers are

largely purchased through black market websites linked to China. Sometimes these items are disguised as other items to avoid detection by U.S. Customs. It is common for criminals to use these websites to obtain these items which would otherwise be more difficult to purchase within the United States. Additionally, criminals who intend to distribute illegal firearms will often seek items through these websites as they are cheaper than seeking these items within the United States.

19. On January 10, 2023, the ATF Norfolk Field Office executed a search warrant on DANE's residence in Virginia Beach, in the Eastern District of Virginia. Upon execution, Agents located DANE in a shed in the backyard of the residence. Inside the shed was multiple firearms and an additional Glock switch. Members of the investigative team determined that all the firearms recovered and bearing a serial number were manufactured outside the Commonwealth of Virginia.

20. After being advised of his *Miranda* rights, DANE chose to speak with Agents. DANE admitted that he has been ordering Glock switches and silencers online and has been selling them for a profit. He further admitted he knew the Glock switches and silencers were being sent from outside United States because he acknowledged it had to go through U.S. Customs.

### **CONCLUSION**

21. Based on the forgoing, your affiant respectfully requests the Court issue an arrest warrant for John Patrick Gordon DANE for possession of a firearm by a convicted felon, in violation of 18 U.S.C. § 922(g)(1), for the unlawful transfer and possession of unregistered machine guns, in violation of 18 U.S.C. § 922(o)(1), and for smuggling goods into the United States, in violation of 18 U.S.C. § 545.



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John P. Hunt

Bureau of Alcohol, Tobacco, Firearms and Explosives

SWORN TO AND SUBSCRIBED

IN MY PRESENCE

This 21<sup>st</sup> day of June 2023



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United States Magistrate Judge